

1 LEARNING RIGHTS LAW CENTER
JANEEN STEEL (SBN 211401)
2 Janeen@learningrights.org
205 S. Broadway, Suite 808
3 Los Angeles, California 90012
Phone: (213) 489-4035 / Fax: (213) 489-4033

4 LAW OFFICE OF SHAWNA L. PARKS
SHAWNA L. PARKS (SBN 208301)
5 sparks@parks-law-office.com
4470 W. Sunset Blvd., Ste. 107-347
6 Los Angeles, CA 90027
7 Phone/Fax: (323) 389-9239

8 DISABILITY RIGHTS ADVOCATES
STUART SEABORN (SBN 198590)
9 seaborn@dralegal.org
2001 Center St., 4th Fl.
10 Berkeley, CA 94704
11 T: (510) 665-8644/F: (510) 665-8511

12 Attorneys for Defendant/Respondent
13

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA**
16

17 OXNARD SCHOOL DISTRICT)

18 Plaintiff,)

19 v.)

20 I.H., a minor, by and through his)
parents, CYNTHIA CORTEZ AND)
21 MALCOLM HERRERA, individually)

22 Defendants)
23 _____)

Case No.: 2018-CV-07357-SVW-AS

**DECLARATION OF JANEEN
STEEL IN OPPOSITION TO
PLAINTIFF'S APPLICATION
FOR TEMPORARY
RESTRAINING ORDER**

**Judge: Honorable Stephen V.
Wilson**

Declaration of Janeen Steel

I, Janeen Steel, declare as follows:

1. I make this declaration of my own personal knowledge of the facts stated herein. If called as a witness in this proceeding, I could and would competently testify thereto.

2. I am a member of the State Bar of California, since 2000 and am admitted to practice before this court. I am counsel for I.H. I and my co-counsel have represented I.H. since February 13, 2018.

3. I am currently Co-Executive Director and Founder/Director of Litigation and Advocacy Services at Learning Rights Law Center ("LRLC"). LRLC is a non-profit legal services organization founded in July 2005 to ensure that all students have access to an equal and just public education. LRLC focuses its efforts on students in the K-12 system who: 1) are at-risk or involved in the juvenile justice system; 2) have learning disabilities and/or learning difficulties; and 3) are not accessing the public education system because of barriers resulting from discrimination.

4. LRLC, along with the other counsel in this matter, have a putative class action filed in United States District Court for the Central District of California, *J.R., et al. v. Oxnard School District, et al.*, Case No. 2:17-cv-04304-JAK-FFM. The case addresses Oxnard School District's failure to identify, evaluate and provide services for students who have suspected disabilities and who may need special education services. I.H. is one of the students who we identified through our work on that lawsuit.

5. I have attended four Individualized Education Plan meetings regarding I.H. During those meetings there have been extensive discussions about the appropriate educational placement for I.H., who is a currently a student eligible for special education services as a student with a speech and language impairment and "other health impairment" of ADHD. He has also been recently diagnosed as having Autism.

6. At the June 7, 2018 IEP that I attended, Parent notified the District that she did not agree with continuing at Casa Pacifica and would not be returning him there.

1 7. I.H. was placed at Casa Pacifica between April 2, 2018 and June 14, 2018 as
2 a temporary placement interim placement. The District did not file to extend the interim
3 placement.

4 8. On July 26, 2018, I attended an IEP where Dr. Betty Jo Freeman presented
5 her report. Parent and counsel notified the District that I.H. would not return to Casa
6 Pacific. The District did not file a complaint with the Office of Administrative Hearings
7 to defend their placement offer.

8 9. The District has not filed a complaint for an expedited hearing with the Office
9 of Administrative Hearings because of any safety concerns at any time.

10 10. The District did not hold or offer to hold a resolution session within 15 days
11 of the request for a special education due process complaint was served to them in the
12 evening of August 16, 2018. I.H.'s counsel filed a motion to expedite the hearing as a
13 result of the failure to hold the resolution session. The District did not oppose this
14 motion.

15 11. On August 22, 2018, the hearing in state court did not go forward because of
16 procedural issue.

17 12. **Attachment A** is a true and accurate copy of the special education due
18 process complaint filed with the Office of Administrative Hearings on August 16, 2018.
19 This case addresses both the District's failure to identify I.H. over an extended period of
20 time as a student in need of special education services. It also addresses the dispute in
21 I.H.'s current placement. We filed this complaint both to resolve claims for compensatory
22 services for I.H. for the failure to identify him as needing special education services, and
23 also to address the ongoing dispute regarding placement.

24 13. **Attachment B** is a true and accurate copy of the motion for stay put filed
25 with the Office of Administrative Hearings on August 16, 2018. Included in this
26 attachment are two declarations with attachments. There is a declaration from Cynthia
27 Cortez and Janeen Steel. Attached to Janeen Steel's declaration are the following are the
28 true and accurate copies of: A) January 11, 2018; B) January 22, 2018 IEP; C) February

26, 2018 IEP; D) March 15 and 22, 2018 IEP. A “stay put” motion asks that the Office of Administrative Hearings – the designated administrative tribunal for claims under the Individuals with Education Act in California – to order that the student remain in the last agreed upon IEP placement pending the duration of the dispute. This is a right specifically guaranteed under IDEA. 20 U.S.C. 1415(j).

14. **Attachment C:** is a true and accurate copy of the January 10, 2018 Oxnard School District psycho-educational assessment by Annette Murguia M.S., School Psychologist; Margie Llanes M.S., special education teacher; Shannon Billings M.S., C.F., speech pathologist; Marie Sagrado, RN, Nurse; and Marie Isabel Garcia Thomas M.S. BCBA, behavior specialist. These are also prior assessments conducted by the District.

15. **Attachment D:** is a true and accurate copy of the May 1, 2018 IEP.

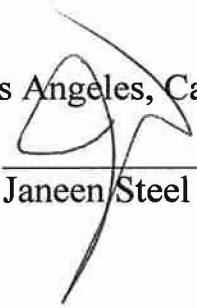
16. **Attachment E:** is a true and accurate copy of the June 7 and July 26, 2018 IEP.

17. **Attachment F:** is a true and accurate copy of the email between myself and Lawrence Joe on August 14, 2018.

18. **Attachment G:** is a true and accurate copy of the September 5, 2018 Stay Put Order from the Office of Administrative Hearings/Special Education Division.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 11 day of September 10, in Los Angeles, California.



Janeen Steel